

1 Susan J. Welde (SBN 205401)
swelde@murchisonlaw.com

2 Benjamin H. Seal II (SBN 64582)
bseal@murchisonlaw.com

3 **MURCHISON & CUMMING, LLP**

801 South Grand Avenue, Ninth Floor

4 Los Angeles, California 90017-4613

Telephone: (213) 623-7400

5 Facsimile: (213) 623-6336

6 Attorneys for Subrogating Insurer,
FEDERAL INSURANCE COMPANY

7 UNITED STATES DISTRICT COURT

8 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

9
10 RUBEN JUAREZ, an individual and
11 ISELA HERNANDEZ, an individual,

12 Plaintiffs,

13 vs.

14 PRECISION VALVE &
15 AUTOMATION, INC., a corporation
and DOES 1-20, ,

16 Defendants.

CASE NO. 2:17-cv-03342-ODW-GJS

**AMENDED NOTICE OF
NULLIFICATION OF
SETTLEMENT FOR FAILURE TO
NOTIFY WORKERS
COMPENSATION EMPLOYER
PER CALIFORNIA LABOR CODE
3860(a) AND DECLARATION OF
BENJAMIN H. SEAL II, LIEN
HOLDER COUNSEL IN SUPPORT
OF SAID NOTICE.**

17 Trial Date: None Set

18 DECLARATION OF BENJAMIN H. SEAL II

19 I, Benjamin H. Seal II, declare and state:

20 I am an attorney-at-law and Of Counsel for the law offices Murchison &
21 Cumming, LLP. who have been retained by Federal Insurance Company to represent
22 it in connection with a workers compensation lien that has been previously served
23 upon the parties to this action and has most recently has been filed with this Court. I
24 am admitted to the practice of law to the Courts in the State of California and have
25 been admitted to this District Court.

26 ///

27 ///

1 9. California Labor Code section 3860 (a) states as follows:

2 " (a) No release or settlement under this chapter, with or without suit, is
3 valid or binding as to any party thereto without notice to both the
4 employer and employee with the opportunity to the employer to recover
5 the amount of compensation he has paid or becomes obligated to pay
6 and any special damages to which he may be entitled under Section
7 3852, and the opportunity to the employee to recover all damages he has
8 suffered and provision for determination of expenses and attorney fees
9 as herein provided."

10 10. It is submitted that the settlement between the parties is invalid and has
11 not been finalized and that Plaintiff's action should not be dismissed until the workers
12 compensation lien issue has been resolved.

13 Executed on this 12th day of March, 2019, at Los Angeles, California.

14 I declare under penalty of perjury of the State of California that the forgoing
15 statements are true and correct to the best of my knowledge.

16
17
18 
19 Benjamin H. Seal II
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

**SPACE EXPLORATION TECHNOLOGIES CORP.
2:17cv03342-ODW-GJS**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, Ninth Floor, Los Angeles, CA 90017-4613.

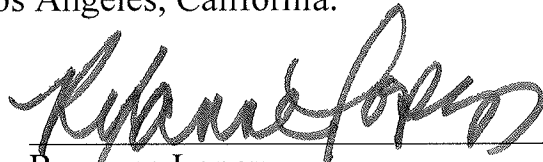
On March 14, 2019, I served true copies of the following document(s) described as **AMENDED NOTICE OF PLAINTIFF'S FAILURE TO NOTIFY WORKERS COMPENSATION LIEN HOLDER OF SETTLEMENT PER CALIFORNIA LABOR CODE 3860A AND DECLARATION OF BENJAMIN H. SEAL II, LIEN HOLDER COUNSEL IN SUPPORT OF SAID NOTICE.** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Pursuant to the E-Filing System of the United States District Court, Central District District of California, to the parties at the e-mail addresses on the Court's website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 14, 2019, at Los Angeles, California.


Roxanne Lopez

SERVICE LIST
SPACE EXPLORATION TECHNOLOGIES CORP.
2:17cv03342-ODW-GJS

Andrew J. Spielberger, Esq. Attorneys for Plaintiffs, RUBEN
Kahren Harutyunyan; Daniel K. Balaban; JUAREZ AND ISELA HERNANDEZ
Vanessa L. Loftus-Brewer
Balaban & Spielberger, LLP
11999 San Vicente Boulevard
Suite 345
Los Angeles, CA 90049
Telephone: 424-832-7677
Facsimile: 424-832-7702

Teresa Li, Esq. Attorneys for Plaintiffs, RUBEN
Law Offices of Teresa Li, PC JUAREZ and ISELA HERNANDEZ
5674 Stoneridge Dr., Ste 107
Pleasanton, CA 94588
Telephone: 415-423-3377
Facsimile: 888-646-5493

Alex Hernaez, Esq. Attorneys for Movant, SPACEX
Tiana R. Harding, Esq.
Fox Rothschild, LLP
345 California St., Ste 2200
San Francisco, CA 94104
Telephone: 415-364-5540
Facsimile: 415-391-4436

Shahrad Milanfar, Esq. Attorneys for Defendant, PRECISION
Alexander Paul Catalona, Esq. VALVE and AUTOMATION, INC.
Becherer Kannett and Schweitzer
1255 Powell Street
Emeryville, CA 94608
Telephone: 510-658-3600
Facsimile: 510-658-1151

Robert Robin, Esq. **Courtesy Copy by mail only:**
Robert Robin & Associates
825 S. Primrose Ave., Ste C
Monrovia, CA 91016
Telephone: (626)568-9800
Facsimile: (626)408-5967

Attorney for Space Exploration
Technologies Corp.(aka SpaceX)